

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL CATES,

Defendant.

2:21-CR-136-JCM-NJK

Amended Preliminary Order of Forfeiture

This Court finds Russell Cates pled guilty to Count One of a One-Count Criminal Information charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Criminal Information, ECF No. 31; Plea Agreement, ECF No. 33; Arraignment & Plea, ECF No. 35.

This Court finds Russell Cates agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 31; Plea Agreement, ECF No. 33; Arraignment & Plea, ECF No. 35.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offense to which Russell Cates pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1) and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. North American Arms Mini Revolver .22lr, Serial #B86053;
2. High Standard Super-Matic 22 lr Semi Auto Handgun, Serial #1197120;
3. Ruger Redhawk Revolver .44 Magnum, Serial #500-65540;

4. DWM Luger 9mm Semi-Auto, Serial #8310;
5. Colt Anaconda Revolver .44 Magnum, Serial #MM54957;
6. EIG E15 Single Action Revolver .22lr, Serial #483620;
7. S&W Model 29-2 Revolver .44 Magnum, Serial #M620144;
8. Savage 24E Combo Rifle .22lr/410, No serial number;
9. Winchester Model 94 3030 Lever Action Rifle, Serial #4409910;
10. Ruger 10/22 Semi-Auto .22lr, Serial #6286; and
11. Assorted ammunition and magazines compatible with the above-listed firearms

(all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Russell Cates in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that if the value of the property is less than \$1,000, the government may serve every person reasonably identified as a potential claimant in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp. Rule G(4)(a)(i)(A).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the aforementioned property must file a petition for a

1 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
2 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
3 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
4 right, title, or interest in the forfeited property and any additional facts supporting the
5 petitioner's petition and the relief sought.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
7 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
8 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
9 not sent, no later than sixty (60) days after the first day of the publication on the official
10 internet government forfeiture site, www.forfeiture.gov.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
12 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
13 Attorney's Office at the following address at the time of filing:

14 Daniel D. Hollingsworth
15 Assistant United States Attorney
16 James A. Blum
17 Assistant United States Attorney
18 501 Las Vegas Boulevard South, Suite 1100
19 Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
21 described herein need not be published in the event a Declaration of Forfeiture is issued by
22 the appropriate agency following publication of notice of seizure and intent to
23 administratively forfeit the above-described property.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
25 copies of this Order to all counsel of record.

26 DATED October 13, 2021.

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28 UNITED STATES DISTRICT JUDGE